



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS REDDING
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**OFFICIAL RESPONSE OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT
OF FORESTRY AND FIRE PROTECTION
TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED DURING THE
TIMBER HARVESTING PLAN EVALUATION PROCESS**

THP NUMBER: 2-22-00079-SHA

SUBMITTER: Shasta Cascade Timberland, LLC

COUNTY: Shasta

END OF PUBLIC COMMENT PERIOD: August 8, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: August 12, 2022

The California Department of Forestry and Fire Protection has prepared the following response to significant environmental points raised during the evaluation of the above-referenced plan. Comments made on like topics were grouped together and addressed in a single response. Where a comment raised a unique topic, a separate response is made. Remarks concerning the validity of the review process for timber operations, questions of law, or topics or concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber operation, have not been addressed.

Sincerely,

DocuSigned by:

AE5E25725914422...

Adam Deem, RPF #2759

Forester II

Cascade, Sierra & Southern Regions

cc: Unit Chief
RPF
Plan Submitter
Dept. of Fish & Wildlife, Reg. 1
Water Quality, Reg. 5
Public Comment Writers

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Summary of Review Process

Common Forest Practice Abbreviations

AB 32	Assembly Bill 32	PCA	Pest Control Advisor
ARB	Air Resources Board	Pg	Petagram = 10^{15} grams
BOF	Board of Forestry	PHI	Pre-Harvest Inspection
CAA	Confidential Archaeological Addendum	PNW	Pacific NorthWest
CAL FIRE	Department of Forestry & Fire Protection	PRC	Public Resources Code
CAPCOA	Calif. Air Pollution Control Officers Assoc.	RPA	Resource Plan. and Assess.
CCR	Calif. Code of Regulations	RPF	Registered Professional Forester
CDFW/DFW	California Dept. of Fish & Wildlife	[SIC]	Word used verbatim as originally printed in another document
CEQA	California Environmental Quality Act	SPI	Sierra Pacific Industries
CESA	California Endangered Species Act	SYP	Sustained Yield Plan
CGS	California Geological Survey	tC	tonnes of carbon
CIA	Cumulative Impacts Assessment	Tg	Teragram = 10^{12} grams
CO ₂	Carbon Dioxide	THP	Timber Harvest Plan
CO _{2e}	Carbon Dioxide equivalent	TPZ	Timber Production Zone
CSO	California Spotted Owl	USFS	United States Forest Service
DBH/dbh	Diameter Breast Height	USFWS	U.S. Fish & Wildlife Service
DPR	Department of Pesticide Regulation	WAA	Watershed Assessment Area
EPA	Environmental Protection Agency	WLPZ	Watercourse. & Lake Prot. Zone
FPA	Forest Practice Act	WQ	California Regional Water Quality Control Board
FPR	Forest Practice Rules	yr ⁻¹	per year
GHG	Greenhouse Gas		
ha ⁻¹	per hectare		
LBM	Live Tree Biomass		
LTO	Licensed Timber Operator		
LTSY	Long Term Sustained Yield		
m ⁻²	per square meter		
MAI	Mean Annual Increment		
MMBF	Million Board Feet		
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent		
NEP	Net Ecosystem Production		
NEPA	National Environ. Policy Act		
NMFS	National Marine Fisheries Service		
NPP	Net Primary Production		
NSO	Northern Spotted Owl		
NTMP	NonIndust. Timb. Manag. Plan		
OPR	Govrn's Office of Plan. & Res.		

Notification Process

In order to notify the public of the proposed timber harvesting, and to ascertain whether there are any concerns with the plan, the following actions are automatically taken on each THP submitted to CAL FIRE:

- Notice of the timber operation is sent to all adjacent landowners if the boundary is within 300 feet of the proposed harvesting, (As per 14 CCR § 1032.7(e))
- Notice of the Plan is submitted to the county clerk for posting with the other environmental notices. (14 CCR § 1032.8(a))
- Notice of the plan is posted at the Department's local office and in Cascade Area office in Redding. (14 CCR § 1032)
- Notice is posted with the Secretary for Resources in Sacramento. (14 CCR § 1032.8(c))
- Notice of the THP is sent to those organizations and individuals on the Department's current list for notification of the plans in the county. (14 CCR § 1032.9(b))
- A notice of the proposed timber operation is posted at a conspicuous location on the public road nearest the plan site. (14 CCR § 1032.7(g))

Plan Review Process

The laws and regulations that govern the timber harvesting plan (THP) review process are found in Statute law in the form of the Forest Practice Act which is contained in the Public Resources Code (PRC), and Administrative law in the rules of the Board of Forestry (rules) which are contained in the California Code of Regulations (CCR).

The rules are lengthy in scope and detail and provide explicit instructions for permissible and prohibited actions that govern the conduct of timber operations in the field. The major categories covered by the rules include:

- *THP contents and the THP review process
- *Silvicultural methods
- *Harvesting practices and erosion control
- *Site preparation
- *Watercourse and Lake Protection
- *Hazard Reduction
- *Fire Protection
- *Forest insect and disease protection practices
- *Logging roads and landing

When a THP is submitted to the California Department of Forestry and Fire Protection (CAL FIRE) a multidisciplinary review team conducts the first review team meeting to assess the THP. The review team normally consists of, but is not necessarily limited to, representatives of CAL FIRE, the Department of Fish and Game (DFW), and the Regional

Water Quality Control Board (WQ). The California Geological Survey (CGS) also reviews THP's for indications of potential slope instability. The purpose of the first review team meeting is to assess the logging plan and determine on a preliminary basis whether it conforms to the rules of the Board of Forestry. Additionally, questions are formulated which are to be answered by a field inspection team.

Next, a preharvest inspection (PHI) is normally conducted to examine the THP area and the logging plan. All review team members may attend, as well as other experts and agency personnel whom CAL FIRE may request. As a result of the PHI, additional recommendations may be formulated to provide greater environmental protection.

After a PHI, a second review team meeting is conducted to examine the field inspection reports and to finalize any additional recommendations or changes in the THP. The review team transmits these recommendations to the RPF, who must respond to each one. The director's representative considers public comment, the adequacy of the registered professional forester's (RPF's) response, and the recommendations of the review team chair before reaching a decision to approve or deny a THP. If a THP is approved, logging may commence. The THP is valid for up to five years, and may be extended under special circumstances for a maximum of 2 years more for a total of 7 years.

Before commencing operations, the plan submitter must notify CAL FIRE. During operations, CAL FIRE periodically inspects the logging area for THP and rule compliance. The number of the inspections will depend upon the plan size, duration, complexity, regeneration method, and the potential for impacts. The contents of the THP and the rules provide the criteria CAL FIRE inspectors use to determine compliance. While CAL FIRE cannot guarantee that a violation will not occur, it is CAL FIRE's policy to pursue vigorously the prompt and positive enforcement of the Forest Practice Act, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the timberlands of the State. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and appropriate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, forest practice rules, and the other related regulations range from the use of violation notices which may require corrective actions, to criminal proceedings through the court system. Civil, administrative civil penalty, Timber operator licensing, and RPF licensing actions can also be taken.

THP review and assessment is based on the assumption that there will be no violations that will adversely affect water quality or watershed values significantly. Most forest practice violations are correctable and CAL FIRE's enforcement program seeks to assure correction. Where non-correctable violations occur, civil or criminal action may be taken against the offender. Depending on the outcome of the case and the court in which the case is heard, some sort of supplemental environmental corrective work may be required. This is intended to offset non-correctable adverse impacts. Once a THP is completed, a completion report must be submitted certifying that the area meets the requirements of the

rules. CAL FIRE inspects the completed area to verify that all the rules have been followed including erosion control work.

Depending on the silvicultural system used, the stocking standards of the rules must be met immediately or in certain cases within five years. A stocking report must be filed to certify that the requirements have been met. If the stocking standards have not been met, the area must be planted annually until it is restored. If the landowner fails to restock the land, CAL FIRE may hire a contractor to complete the work and seek recovery of the cost from the landowner.

Concern #1

One letter was received from the Wintu Educational and Cultural Council of Northern California expressing concerns over the protections of cultural resources in the plan area. This letter was treated as confidential and specifics are not reproduced here.

Response #1

The Forest Practice Rules are designed to protect both historic and cultural archaeological sites from damage and they also serve to increase the understanding of California history/prehistory by recording and cataloging sites for future reference. This is accomplished through a multi-step and layered process designed to maximize the potential to find previously unrecorded sites and develop measures for their recordation and protection. This process relies on the cooperation of trained resource professionals from multiple disciplines along with the invaluable information provided through first person sources and oral tradition. The three primary phases of this process can be summarized as follows: Research and Inquiry, Surveys and Notification.

Research and Inquiry:

- An archaeological records check must be prepared and submitted to the nearest Information Center, run by the Office of Historic Preservation that is part of the California Department of Parks and Recreation (see 14 CCR §949.1(a)(1)). For this plan, the nearest Information Center is located at Chico State University.
- An inquiry must be sent to the designated contacts found on the "Native American Contact List" found on the CAL FIRE website¹ (see 14 CCR §949.1(a)(2)). This list is regularly updated and is formed in consultation with the Native American Heritage Commission². The purpose of this inquiry is to inform local Native American representatives that a plan is being developed and allow them time to provide the RPF with information on sites of archaeological or cultural significance that should be addressed in the plan.

¹ <https://www.fire.ca.gov/programs/resource-management/resource-protection-improvement/environmental-protection-program/cultural-resources-management-program/>

² <https://nahc.ca.gov/>

- Research must be conducted, and documented, to determine the likely historic and prehistoric resources that may be included in the survey area. This includes written materials/records as well as individuals who have specific knowledge of the plan area. (see 14 CCR §949.1(a)(4)).

Survey

- A field survey of the proposed plan area must be conducted by a Professional Archaeologist³ or an individual who has completed an archaeological training program as specified in 14 CCR §949.4⁴. (See 14 CCR §949.1(a)(3))

Notification:

- All existing known and newly discovered Native American archaeological or cultural sites must be reported to the appropriate persons included on the "Native American Contact List" found on the CAL FIRE website⁵. This notice contains information on who conducted the survey, when it happened, how each site is proposed to be protected and timelines for submitting comments to CAL FIRE. (see 14 CCR §949.1(b))

Documentation:

- The proposed harvest plan must include thorough documentation of the process described above. This section is called the Confidential Archaeological Addendum

³ 14 CCR §895.1 - Professional Archaeologist means a person who holds at least a Bachelor of Arts or Science degree in Anthropology or Archaeology from a college or university and has completed at least three years of professional experience in research, writing, or project supervision in archaeological investigation or cultural resource management and protection programs.

⁴ 929.4, 949.4, 969.4 Archaeological Training Requirements [All Districts]

To meet the requirement of 14 CCR § 929.1 [949.1, 969.1], archaeological surveys of a plan, or Emergency Notice areas for archaeological or historical sites shall be conducted only by a professional archaeologist or a person who has attended a training program approved by the Director within five years prior to submission of the plan, or Emergency Notice. The training program must meet the following standards:

- (a) The course shall use education materials approved by the Director which address the current regulations and procedures for the identification, recordation, and protection of archaeological and historical resources during Timber Operations.
- (b) The course may require that the applicant demonstrate, in the field, and in a final written examination, the ability to conduct a record search, perform field identification, complete an archaeological site record, and to identify appropriate mitigation and protection measures for archaeological or historical sites covered in the course.
- (c) The Director shall issue a verification to all students that satisfactorily complete the training course.
- (d) Following an individual's successful completion of an archaeological training course approved by the Director, he or she may enroll in a refresher training course, approved by the Director, to renew a 5-year archaeological training certification.
- (e) The Director may conduct the archaeological training

⁵ <https://www.fire.ca.gov/programs/resource-management/resource-protection-improvement/environmental-protection-program/cultural-resources-management-program/>

(CAA) and is not available for inspection by the public. (see Gov. Code § 6254(r) ⁶ and § 6254.10⁷):

- Who conducted the survey, where the survey occurred and when it was done (See 14 CCR § 949.1(c)(1)).
- A copy of the official records check that was sent to the Information Center (See 14 CCR § 949.1(c)(2)).
- Results of the Native American inquiry (See 14 CCR § 949.1(c)(3)).
- Results of the Native American Notification of sites in the plan area (See 14 CCR § 949.1(c)(4)).
- List of all of the research conducted including reference documents, knowledgeable people consulting as well as a summary of this information (See 14 CCR § 949.1(c)(5)).
- Information on the Archaeologist or Archaeological Surveyor who completed the field survey. (See 14 CCR § 949.1(c)(6)).
- The specific survey methods and procedures that were used (e.g. survey intensity, time of year, ground visibility etc.) (See 14 CCR § 949.1(c)(7)).
- Information on all sites within the plan boundary (See 14 CCR § 949.1(c)(8)).
- An Archaeological Coverage Map⁸ for the project area (See 14 CCR § 949.1(c)(9)).
- A preliminary determination on the significance of all identified sites in the plan area (See 14 CCR § 949.1(c)(10)).
- The proposed protection measures for all sites within the plan area (See 14 CCR § 949.1(c)(11)).
- Details for the pre-operational meeting between the RPF and the Licensed Timber Operator (LTO) to review protection measures (See 14 CCR § 949.1(c)(12)).
- Detailed site records for all sites located in the plan area. (See 14 CCR § 949.1(c)(13)).

⁶ Gov. Code § 6254(r): Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

⁷ Gov. Code § 6254.10 Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

⁸ Archaeological Coverage Map means the map or maps required as part of a Confidential Archaeological Addendum or a Confidential Archaeological Letter pursuant to 14 CCR §§ 929.1 [949.1,969.1] (c)(9) and 1052(a)(10). The map(s) shall contain a north arrow, a scale, and accurately display the project boundary, the Site Survey Area showing survey intensity(ies), and specific location of all archaeological and historical sites identified within the Site Survey Area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or digitally generated topographical equivalent. Additional maps at other scales may be required to more accurately display required information or increase clarity.

- Any additional details necessary to complete the report (See 14 CCR § 949.1(c)(14 & 15)).

Post Review Site Discovery

If, despite the above measures, a previously unknown historic or prehistoric site is located during Timber Operations, the following must occur:

- The person making the discovery must immediately inform CAL FIRE, the LTO, the RPF and the Timberland owner. (See 14 CCR § 949.3(a & b)).
- No Timber Operations may occur within 100 feet of the discovery until protection measures are proposed to CAL FIRE, and accepted as being appropriate to protect the site. (See 14 CCR § 949.3(c)).
- The plan will be amended to update the CAA to include the new information. (See 14 CCR § 949.3(d)).
- If a Native American archaeological or cultural site is part of the discovery, CAL FIRE will submit the information to the appropriate Native American contact.
- Upon receipt, the Director shall immediately provide the proposed minor deviation or portions of the minor deviation, to Native Americans when Native American archaeological or cultural sites are involved. (See 14 CCR § 949.3(e))

Plan Specific Timeline:**December 1, 2021**

The Information Center records check used for this plan was conducted. According to the Rules, this qualifies as a Current Archaeological Records Check⁹.

May to December 2021

Archaeological field surveys occurred. One previously recorded site was re-discovered and documented in the plan.

January 25, 2022

The RPF sent Native American Notification letters in the mail to the recipients that were specified on the current Native American Contact List.

⁹ **Current Archaeological Records Check** means a review of the State's archaeological and historic resource files conducted at the appropriate Information Center of the California Historical Resource Information System for the area which could be affected by Timber Operations. The Office of Historic Preservation, which is within the Department of Parks and Recreation, has the address for the regional Information Center a person must contact. The records check must have been conducted within five years prior to the date a THP, NTMP, WFMP, or Emergency Notice of 3 acres or more is submitted to the Director.

June 6, 2022

THP was submitted to CAL FIRE.

July 21, 2022

The RPF sent Second Native American Notification letters.

July 28, 2022

Letter of concern received from Wintu Educational and Cultural Council of Northern California.

August 9, 2022

RPF provided revised pages to the CAA to clarify and address concerns noted from the letter of concern.

After revisions to the plan were completed, a CAL FIRE archaeologist determined that the CAA was complete, accurate and adequately addressed the concerns provided.

SUMMARY AND CONCLUSIONS

The Department recognizes its responsibility under the Forest Practice Act (FPA) and CEQA to determine whether environmental impacts will be significant and adverse. In the case of the management regime which is part of the THP, significant adverse impacts associated with the proposed application are not anticipated.

CAL FIRE has reviewed the potential impacts from the harvest and reviewed concerns from the public and finds that there will be no expected significant adverse environmental impacts from timber harvesting as described in the Official Response above. Mitigation measures contained in the plan and in the Forest Practice Rules adequately address potential significant adverse environmental effects.

CAL FIRE has considered all pertinent evidence and has determined that no significant adverse cumulative impacts are likely to result from implementing this THP. Pertinent evidence includes, but is not limited to the assessment done by the plan submitter in the watershed and biological assessment area and the knowledge that CAL FIRE has regarding activities that have occurred in the assessment area and surrounding areas where activities could potentially combine to create a significant cumulative impact. This determination is based on the framework provided by the FPA, CCR's, and additional mitigation measures specific to this THP.

CAL FIRE has supplemented the information contained in this THP in conformance with Title 14 CCR § 898, by considering and making known the data and reports which have been submitted from other agencies that reviewed the plan; by considering pertinent information from other timber harvesting documents including THP's, emergency notices, exemption notices, management plans, etc. and including project review documents from other non-CAL FIRE state, local and federal agencies where appropriate; by considering information from aerial photos and GIS databases and by considering information from the CAL FIRE

maintained timber harvesting database; by technical knowledge of unit foresters who have reviewed numerous other timber harvesting operations; by reviewing technical publications and participating in research gathering efforts, and participating in training related to the effects of timber harvesting on forest values; by considering and making available to the RPF who prepares THP's, information submitted by the public.

CAL FIRE further finds that all pertinent issues and substantial questions raised by the public and submitted in writing are addressed in this Official Response. Copies of this response are mailed to those who submitted comments in writing with a return address.

ALL CONCERNS RAISED WERE REVIEWED AND ADDRESSED. ALONG WITH THE FRAMEWORK PROVIDED BY THE FOREST PRACTICE ACT AND THE RULES OF THE BOARD OF FORESTRY, AND THE ADDITION OF THE MITIGATION MEASURES SPECIFIC TO THIS THP, THE DEPARTMENT HAS DETERMINED THAT THERE WILL BE NO SIGNIFICANT ADVERSE IMPACTS RESULTING FROM THE IMPLEMENTATION OF THIS THP.